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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,142	02/19/2002	Juan Amengual	47133.010100	6466

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EXAMINER

ARAQUE JR, GERARDO

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/078,142	Applicant(s) AMENGUAL ET AL.	
	Examiner Gerardo Araque Jr.	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) 27-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 27 – 80 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 27 – 80 are directed to advertising methods, which were not originally presented prior to the Office Action sent on March 7, 2006.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27 – 80 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1 – 26** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. The terms "**comparable alternatives**" in **claims 1, 14, and 15** are relative terms which renders the claim indefinite. The terms "**comparable alternatives**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. What does the applicant consider to be comparable alternatives?

6. **Claims 1 – 26** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: means for inputting customizable criteria or the introduction of customizable criteria.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1 – 12 and 14 – 26** are rejected under 35 U.S.C. 102(e) as being anticipated by **Spear et al. (US Patent 6,853,621 B1)**.

9. In regards to **claim 1**, **Spear** discloses a customizable computerized system for providing access to specified Internet websites and comparable alternative websites utilizing telephone numbers as search queries, comprising:

means for receiving a system user search query for a specified Internet website in the form of a telephone number corresponding to said website (**Column 24 Lines 42 – 50**);

means for processing said user search query to provide access to said specified Internet website in response to said query (**Column 4 Lines 41 – 43**); and

means for providing access to additional Internet websites that are comparable alternatives to said specified Internet website, said additional Internet websites being selected based on customizable criteria (**Column 24 Lines 50 – 53; Column 25 Lines 8 – 10**).

10. In regards to **claim 2**, **Spear** discloses means for processing changes to Internet website addresses such that access to said websites is provided in response to user queries using either a prior address or a changed address (**Column 3 Lines 41 – 46**).

11. In regards to **claim 3**, **Spear** discloses means for displaying to users content from said Internet websites in a standardized format (**Column 4 Lines 3 – 7**).

12. In regards to **claim 4**, **Spear** discloses wherein said customizable criteria are provided by electronic communication from said user (**Column 23 Lines 8 – 10**).

13. In regards to **claim 5**, **Spear** discloses wherein said customizable criteria are preprogrammed into said system (**Column 9 Lines 62 – 63, wherein in order for the customizable criteria to be preprogrammed into the system the GUI had to be programmed**).

14. In regards to **claim 6**, **Spear** discloses wherein said means for providing access to additional Internet websites that are comparable alternatives to said specified Internet

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website based on customizable criteria comprises (**Column 24 Lines 50 – 53; Column 25 Lines 8 – 10**)

one or more databases containing data regarding characteristics of a plurality of Internet websites and one or more software applications that select said additional websites based on comparison of data pertaining to said specified website and data pertaining to said additional websites (**Column 25 Lines 7 – 9**).

15. In regards to **claim 7**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the geographic location of the proprietors of the websites being compared (**Column 18 Lines 44 – 47; Column 25 Lines 7 – 10**).

16. In regards to **claim 8**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the products or services offered by the websites being compared (**Column 23 Lines 34 – 36**).

17. In regards to **claim 9**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the prices for products or services offered by the websites being compared (**Column 24 Lines 51 – 52, 60 – 63**).

18. In regards to **claim 10**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the type of content provided by the websites being compared (**Column 25 Lines 28 – 31**).

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19. In regards to **claim 11**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the date of publication of content provided by the websites being compared (**Column 14 Lines 23 – 32**).

20. In regards to **claim 12**, **Spear** discloses

means for receiving a system user search query for a specified electronic mail recipient in the form of a telephone number corresponding to said recipient (**Column 26 Lines 1 – 3**);

means for processing said user search query to provide information pertaining to said recipient (**Column 3 Lines 41 – 46; Column 7 – 9**); and

means for sending electronic mail to said recipient (**Column 26 Lines 1 – 13**).

21. In regards to **claim 14**, **Spear** discloses a method for providing access to specified Internet websites and comparable alternative websites utilizing telephone numbers as search queries, comprising the following steps:

receiving a system user search query for a specified Internet website in the form of a telephone number corresponding to said website (**Column 24 Lines 42 – 50**);

processing said user search query to provide access to said specified Internet website in response to said query (**Column 4 Lines 41 – 43**);

selecting additional Internet websites that are comparable alternatives to said specified Internet website based on customizable criteria (**Column 24 Lines 50 – 53; Column 25 Lines 8 – 10**); and

providing access to said additional Internet websites (**Column 24 Lines 50 – 53; Column 25 Lines 8 – 10**).

22. In regards to **claim 15**, **Spear** discloses a customizable computerized system for providing access to specified Internet websites and comparable alternative websites, comprising:

means for receiving a system user search query for a specified Internet website (**Column 24 Lines 42 – 50**);

means for processing said user search query to provide access to said specified Internet website in response to said query (**Column 4 Lines 41 – 43**); and

means for providing access to additional Internet websites that are comparable alternatives to said specified Internet website, said additional Internet websites being selected based on customizable criteria (**Column 24 Lines 50 – 53; Column 25 Lines 8 – 10**).

23. In regards to **claim 16**, **Spear** discloses wherein search user query is in the form of a Domain Name (**Column 11 Lines 39 – 44**).

24. In regards to **claim 17**, **Spear** discloses means for processing changes to Internet website addresses such that access to said websites is provided in response to user queries using either a prior address or a changed address (**Column 3 Lines 41 – 46**).

25. In regards to **claim 18**, **Spear** discloses means for displaying to users content from said Internet websites in a standardized format (**Column 4 Lines 3 – 7**).

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26. In regards to **claim 19**, **Spear** discloses wherein said customizable criteria are provided by electronic communication from said user (**Column 23 Lines 8 – 10**).

27. In regards to **claim 20**, **Spear** discloses wherein said customizable criteria are preprogrammed into said system (**Column 9 Lines 62 – 63, wherein in order for the customizable criteria to be preprogrammed into the system the GUI had to be programmed**).

28. In regards to **claim 21**, **Spear** discloses wherein said means for providing access to additional Internet websites that are comparable alternatives to said specified Internet website based on customizable criteria comprises (**Column 24 Lines 50 – 53; Column 25 Lines 8 – 10**)

one or more databases containing data regarding characteristics of a plurality of Internet websites and one or more software applications that select said additional websites based on comparison of data pertaining to said specified website and data pertaining to said additional websites (**Column 25 Lines 7 – 9**).

29. In regards to **claim 22**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the geographic location of the proprietors of the websites being compared (**Column 18 Lines 44 – 47; Column 25 Lines 7 – 10**).

30. In regards to **claim 23**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the products or services offered by the websites being compared (**Column 23 Lines 34 – 36**).

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31. In regards to **claim 24**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the prices for products or services offered by the websites being compared (**Column 24 Lines 51 – 52, 60 – 63**).

32. In regards to **claim 25**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the type of content provided by the websites being compared (**Column 14 Lines 23 – 32**).

33. In regards to **claim 26**, **Spear** discloses wherein said one or more software applications select additional websites based on comparison of information regarding the date of publication of content provided by the websites being compared (**Column 14 Lines 23 – 32**).

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. **Claims 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Spear et al. (US Patent 6,853,621 B1)**.

36. In regards to **claim 13**, **Spear** discloses wherein said means for sending electronic mail to said recipient further comprises means for sending said electronic mail to multiple alternate electronic mail addresses corresponding to said recipient, said

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alternate electronic mail addresses being selected based on customizable criteria

(Column 26 Lines 1 – 13, moreover it is old and well known that an individual can have more than one e-mail address and that it would have been obvious to one skilled in the art that one would have multiple e-mail addresses for various online subscriptions for organization or having dedicated e-mail addresses for each subscription).

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found on PTO-892 Notice of References Cited.

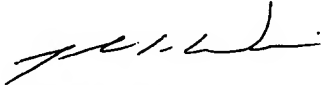
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA
11/21/06



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